

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Shawn P. Richards

Docket No. 5:10-M-1875-1

Petition for Action on Probation

COMES NOW Thomas E. Sheppard, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Shawn P. Richards, who, upon an earlier plea of guilty to Driving While Impaired - Level 5 in violation of 18 U.S.C. §13 assimilating N.C.G.S. 20-138.1, was sentenced by the Honorable James E. Gates, U.S. Magistrate Judge, on November 2, 2010, to a 12 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
3. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
4. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until his privilege to do so is restored in accordance with law.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant has paid his fine and special assessment in full and completed alcohol treatment. He was tested for illegal drug use three times, all with negative results. He just received deployment orders, and will depart for the Middle East on May 7, 2011.

The defendant has not completed the community service requirement, though it is worth noting that his unit has been engaged in assisting fellow soldiers in his unit whose homes were destroyed in recent tornadoes. Given the short notice on deployment, it is expected he will be extremely occupied with pre-deployment activities between now and May 7, and it is certain he will be unable to fulfill the community service requirement before then.

We recommend striking the community service condition and terminating probation.

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PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

The community service condition is hereby stricken, and the probation term is hereby terminated.

Reviewed and approved,


I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Thomas E. Sheppard
Thomas E. Sheppard
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: April 29, 2011

ORDER OF COURT

Considered and ordered this 29 day of April, 2011, and ordered filed and made a part of the records in the above case.


James E. Gates
U.S. Magistrate Judge